

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL S. BENT,

Plaintiff,

v.

PATRICIA LASHWAY, et al.,

Defendants.

CASE NO. C16-5916BHS

ORDER DENYING PLAINTIFF'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER

This matter comes before the Court on Plaintiff Michael Bent's ("Bent") motion for a temporary restraining order (Dkt. 16). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

I. PROCEDURAL HISTORY

On October 31, 2016, Bent filed a verified complaint for declaratory, injunctive, and compensatory relief against Patricia Lashway ("Lashway"), in her capacity as acting Secretary of the Washington Department of Social and Health Services; Mark Greenberg in his capacity as the acting Assistant Secretary for the Administration for Children and Families under the Department of Health and Human Services; Mark McCauley

1 (“McCauley”) in his capacity as County Manager and Chief Executive Officer of Clark
2 County, Washington; and Greg Kimsey (“Kimsey”) in his capacity as County Auditor for
3 Clark County (collectively “Defendants”). Dkt. 1. Bent asserts that Lashway and
4 Greenberg have violated his right to an impartial tribunal under the Fifth, Sixth, and
5 Fourteenth Amendments to the U.S. Constitution, *id.*, ¶¶ 82–108; McCauley has violated
6 Bent’s constitutional property rights via an inverse condemnation, *id.*, ¶¶ 108–130; and
7 Defendants have violated his constitutional property rights and rights to compensation,
8 *id.*, ¶¶ 131–142.

9 On December 5, 2016, Bent filed the instant motion for a temporary restraining
10 order. Dkt. 16. Bent seeks an injunction to prevent the modification of his child support
11 obligations by the Clark County Superior Court. *Id.* On December 23, 2016, Lashway
12 responded. Dkt. 19. On December 29, 2016, McCauley and Kimsey responded. Dkt.
13 21.

14 II. DISCUSSION

15 The Court has already informed Bent that this is not the forum to appeal or enjoin
16 a state court civil proceeding. *See Bent v. Bent*, C16-5899BHS, (W.D. Wash. Oct. 27,
17 2016) (order remanding improper removal). While Bent may litigate separate claims
18 regarding his federal civil rights in this forum, Bent has failed to show that the Court may
19 enjoin the state court from modifying his child support obligations. Moreover,
20 Defendants contend that the state court has entered an order modifying the obligations.
21 “Simply put, ‘the United States District Court, as a court of original jurisdiction, has no
22 authority to review the final determinations of a state court in judicial proceedings.’”

1 *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003)(quoting *Worldwide Church of*
2 *God v. McNair*, 805 F.2d 888, 890 (9th Cir. 1986)). Thus, Bent has failed to show that
3 the Court has authority to grant his requested relief.

4 **III. ORDER**

5 Therefore, it is hereby **ORDERED** that Bent's motion for a temporary restraining
6 order (Dkt. 16) is **DENIED**.

7 Dated this 18th day of January, 2017.

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10 BENJAMIN H. SETTLE
United States District Judge